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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [AU](#) [UNSC](#) [SU](#)  
SUBJECT: POPULAR CONSULTATIONS CRUCIAL, WITH OR WITHOUT ELECTIONS

REF: A) KHARTOUM 1130 B) KHARTOUM 1182

1. (SBU) Summary: Leaders of the Sudan People's Liberation Movement (SPLM) held a conference from October 15-18 in Kurmuk, Blue Nile State, to brain-storm about the form and function of popular consultations. The latter are called for by the Comprehensive Peace Agreement (CPA) to "ascertain the views of the people" of Southern Kordofan and Blue Nile on the CPA. Attendees resolved that election laws must be amended to assure successful elections, and thereby, effective popular consultations, which are crucial and an "inherent" right, even without elections. They also agreed that a law governing popular consultations must be enacted by the National Legislative Assembly and approved by the Presidency. Delegates discussed governance in Blue Nile and reconfirmed their confidence in Governor Malik Agar. Defining popular consultations is likely to be the next contentious item on Sudan's political schedule. End Summary.

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EFFECTIVE POPULAR CONSULTATIONS REQUIRE ELECTIONS  
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2. (SBU) SPLM leaders held a conference from October 15-18 in Kurmuk, the southern capital of Blue Nile State. The conference, attended by Emboff, was a brain-storming session about popular consultations and included related governance issues. It was attended by leaders from Blue Nile, Southern Kordofan, Darfur, and South Sudan, and included civil society leaders and political delegates from the National Congress Party (NCP), the People's Congress Party, the Democratic Unionist Party, the Umma Party, and the Sudanese Communist Party. Attendees resolved that election and security laws must be amended to assure successful elections, and thereby, effective popular consultations. Participants endorsed the Juba Declaration of the All-Political Parties Conference (Ref A), calling it a model for resolving the current political issues in Sudan.

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POPULAR CONSULTATIONS AN "INHERENT" RIGHT  
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3. (SBU) In case elections do not occur, participants resolved that popular consultation must still be conducted as a "right inherent to the people" of Blue Nile and Southern Kordofan. Participants agreed to work to guarantee security and stability in this process. They also emphasized the importance of guarantees from the Intergovernmental Authority on Development (IGAD), and the broader international community, that popular consultations will be conducted and their results implemented.

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NATIONAL LAW GOVERNING POPULAR CONSULTATIONS NEEDED  
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14. (SBU) Attendees resolved that a law governing popular consultations must be enacted by the National Legislative Assembly and approved by the Presidency. Members of the NCP have made numerous public statements rejecting a national law on popular consultations as unnecessary and not in accordance with the CPA (Ref B). In a meeting on October 21, Sadiq Mansour (SPLM), Deputy Speaker of the Southern Kordofan State Parliament, told Poloff that the NCP fears that popular consultations will lead to referenda in Southern Kordofan and Blue Nile. Mansour stated, however, that a national law on popular consultations was necessary because only the latter could bind the national government. Mansour said he is hopeful that the NCP will understand and accept this argument in coming negotiations.

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NCP ATTENDS, BUT IN LIMITED CAPACITY  
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15. (SBU) The highest NCP representative attending the meeting was Al Rabatani, Chairman of the Kurmuk Locality Council. NCP representative comments during the discussions were vague and non-committal. They stated that popular consultations are "a right provided for in the CPA; they fully support it; and it has to be exercised." The representatives added, however, that they were attending on a personal basis and their views, and the resolutions of the conference, were not binding on the NCP.

16. (SBU) The NCP representatives from the Southern Kordofan delegation did not participate, turning back soon after arriving in Kurmuk. Ahmed Haroun (NCP), Governor of Southern Kordofan, and his Deputy, Abdel Aziz (SPLM), also did not attend the meeting. Haroun indicated that the issues surrounding popular consultations should

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be negotiated in a small, private forum between the NCP and SPLM. (Note: According to Sadiq Mansour, the date set for this meeting, at which the NCP and SPLM will negotiate the terms of the popular consultations, is November 1, and will consist of four members from each of the NCP and SPLM. End Note.)

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SPLM REAFFIRMS CONFIDENCE IN GOVERNOR AGAR  
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17. (SBU) Malik Agar (SPLM), Governor of Blue Nile State, was criticized by some conference attendees for favoring his tribe, the Ingessena, for administrative positions in the state. (Note: Embossos hear this complaint often, but have found no evidence thereof. We note that Agar has directed both state and international donor-supported development to areas outside his tribal home. End Note.) Agar accepted the criticism, and suggested that as he has led the SPLM in Blue Nile since 1997, replacing him may be overdue. Conference attendees responded that there was no one to replace Agar, and their criticism was only to ensure that he listens to everyone. A number of other SPLM executive office holders were also criticized and rated on their achievements, with Agar given the highest rating of the group.

18. (SBU) Comment: The CPA mandates popular consultations to "ascertain the views of the people" of Southern Kordofan and Blue Nile on the CPA, but is silent on what legally-binding effect these views might have once ascertained. This is the crux of the issue. The NCP cannot give Southern Kordofan and Blue Nile unlimited power to change provisions of the CPA with which they are unhappy, while Southern Kordofan and Blue Nile cannot simply submit their views on the CPA to the Presidency and rely on the Presidency's goodwill to have their issues resolved. For instance, one can imagine that the people of Southern Kordofan would like to receive a greater percentage of the revenue accruing from oil produced in their state, currently set at two percent, but the national government cannot allow Southern Kordofan legislators to unilaterally choose an appropriate amount. Ultimately some mechanism must be agreed by which Blue Nile and Southern Kordofan can negotiate with the national government on a somewhat equal footing. Currently no such mechanism exists. Greater federalism may be the solution to Sudan's conflicts, but will not be willingly embraced by Khartoum. End

Comment.

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